

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

DAMON THOMPSON

PLAINTIFF

v.

Civil No. 06-6023

CAPTAIN MELVIN STEED

DEFENDANT

O R D E R

Now on this 12th day of February, 2009, comes on for consideration **Defendant's Second Motion For Summary Judgment** (document #32), the **Report And Recommendation Of The Magistrate Judge** ("R&R") (document #40), and plaintiff's **Response** thereto (document #41), and from these documents the Court finds and orders as follows:

1. Plaintiff complains that his due process rights as an inmate of the Garland County Detention Facility were violated when he was punished without having an opportunity to present his side of the matter.

2. Defendant moved for summary judgment (document #32). The Magistrate Judge reports that there is a genuine issue of material fact, and that summary judgment on this claim should be denied. The Court finds this recommendation sound, and the R&R will be adopted in toto.

3. Plaintiff filed a Response to the R&R. This document appears to relate entirely to other claims asserted in this case, both of which were dismissed by Order dated March 13, 2008. The

Court, therefore, finds no need to address this Response, and will not do so.

4. This matter is ready to be set for an evidentiary hearing, and will be remanded to the Magistrate Judge for that purpose.

IT IS THEREFORE ORDERED that the **Report And Recommendation Of The Magistrate Judge** (document #40) is **adopted in toto**, and **Defendant's Second Motion For Summary Judgment** (document #32) is **denied**.

IT IS FURTHER ORDERED that this matter is **remanded** to the Magistrate Judge for evidentiary hearing on plaintiff's remaining claim.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE